

EXHIBIT 6

**Kyle Lawrence Lerch - April 04, 2023
Videoconference Deposition**

32

1 the -- for the process.

2 We were advised that the two task force
3 officers who were already in place did -- would not
4 have to interview if they did not want to, but that
5 they submitted their application, they would be
6 moved to the next step. We were told that after we
7 conducted interviews, then we would determine from
8 the interviews who we wanted to, from that group,
9 move to the next step. And then once we were at
10 the next step, we would be able to decide who we
11 wanted as task force officers.

12 Q So, let me make sure I'm understanding you
13 correctly.

14 So, South Bend was going to send you a slate of
15 candidates, plus -- plus, the two TFOs who were
16 already there and then you were going to interview
17 and -- and interview those people and pick from
18 that -- that group?

19 A We were advised that they would make the position
20 available to all officers at the police department
21 as long as they met some criteria. And I don't
22 know exactly what the criteria was for the South
23 Bend Police Department. They advised that we would
24 interview those individuals. They also said that
25 the two sitting task force officers, which were

**Kyle Lawrence Lerch - April 04, 2023
Videoconference Deposition**

33

1 Sheldon Scott and Bayne Bennett, as long as they
2 submitted their application, they did not have to
3 interview, but that they would -- they could
4 interview if they wanted to, but that they would
5 automatically move to the second step of the
6 process.

7 Q Okay. And the second step was -- was for -- was
8 interviews of -- of -- interviews by ATF personnel?

9 A The second step was pretty vague by the South Bend
10 Police Department.

11 Q Pretty vague?

12 A Yes.

13 Q How -- how was it vague?

14 A After we conducted the interviews of the
15 applicants, ATF asked South Bend Police Department
16 do we need to conduct further interviews, and South
17 Bend Police Department left it up to ATF if we
18 wanted to do further interviews or not.

19 Q Did you want to?

20 A After speaking with the special agent in charge and
21 acting resident agent in charge, it was determined
22 that no further interviews needed to be conducted.

23 Q And at that point you were able to make -- make a
24 decision?

25 A The ATF was able to make a decision.

**Kyle Lawrence Lerch - April 04, 2023
Videoconference Deposition**

34

1 Q Okay. What was the decision?

2 A The decision was to retain Task Force Officer Bayne
3 Bennett and select Brandon Stec as a task force
4 officer.

5 Q Who made that decision or those decisions?

6 A The assistant special agent in charge.

7 Q Was that Scott McCart?

8 A It was not.

9 Q Who? I'm sorry, who was that?

10 A Brendan Iber.

11 Q Who participated in that decision?

12 A Myself and the acting resident and special agent in
13 charge, Sean Skender. I'm sorry, the acting
14 resident in charge.

15 Q Okay. And that was Mr. Skender?

16 A Yes.

17 Q Okay. So the three of you decided jointly?

18 A Yes.

19 Q Who informed the candidates of the decision?

20 A I believe Captain Biggs from South Bend Police
21 Department.

22 Q Okay. No one from ATF, in other words?

23 A No.

24 MR. McQUARY: Okay. We have
25 been at it for about an hour. I'd

**Kyle Lawrence Lerch - April 04, 2023
Videoconference Deposition**

85

1 Q What was the reason for -- let's strike that.

2 Who decided not to renew James Taylor's
3 credentials with the ATF?

4 A It was the resident agent in charge at the time,
5 which was Scott McCart.

6 Q And did you ever learn of the reason for not
7 renewing James Taylor's credentials with the ATF?

8 A Yes. Actually, Resident Agent in Charge Scott
9 McCart reached out to me and asked if I had any
10 cases with him, if he had provided any paperwork or
11 had been involved in any type of casework that we
12 had, and I said not that I could recall. And then
13 McCart said that he was going to let the
14 credentials expire, and that -- that could be
15 something revisited to bring him back on at a later
16 date, if we found it necessary. But that due to
17 the lack of involvement, he was going to let the
18 credentials expire.

19 Q The lack of James Taylor's involvement?

20 A Correct.

21 Q Involvement in what?

22 A In any ATF cases, providing any information for
23 cases. There just was no -- it didn't seem like it
24 was beneficial on the ATF's part to continue to
25 renew his credentials because it's quite labor

**Kyle Lawrence Lerch - April 04, 2023
Videoconference Deposition**

86

1 intensive to -- to do the reinstatement or the
2 continuation.

3 Q When was Brandon Stec a special deputy?

4 A I believe he was assigned as a special deputy in
5 2017 or '18. I don't know the exact time. I think
6 2017 or '18.

7 Q Do you know for how long Brandon Stec was a special
8 deputy?

9 A I believe up all the way to the point where he was
10 selected to the full-time task force officer, he
11 was a special deputy. So there was one -- at least
12 one reinstatement for his special deputy
13 credentials prior to him being a full-time task
14 force officer.

15 Q Did the fact that Brandon Stec was a special deputy
16 factor in to the decision to appoint him as a task
17 force officer with the ATF in 2020?

18 A It did.

19 Q Previously, you were asked whether you were aware
20 that Sheldon Scott was an armorer. What is an
21 armorer?

22 A I think that what they're referencing is like an
23 armorer for a specific firearms manufacturer to
24 get -- somebody who can work on or make adjustments
25 to specific firearms. Glock has a Glock armorer,